

BILL ANALYSIS

Senate Research Center
81R8548 BEF-F

S.B. 1982
By: Patrick, Dan
Business & Commerce
4/10/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas electrical code prohibits persons without a license from performing electrical related services. In 2008, the Texas Department of Licensing and Regulation notified pool industry representatives that pool-related electrical maintenance work in Texas must be addressed in legislation.

This bill addresses this situation by establishing a limited electrical license for pool-related maintenance work.

As proposed, S.B. 1982 amends current law relating to the licensing and regulation of pool-related electrical maintenance technicians and pool-related electrical maintenance contractors.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive director of the Texas Department of Licensing and Regulations is modified in SECTION 3 (Section 1305.102, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1305.002, Occupations Code, by adding Subsections (14)-(19), to define "pool," "pool-related electrical device," "pool-related electrical maintenance," "pool-related electrical maintenance contracting," "pool-related electrical maintenance contractor," and "pool-related electrical maintenance technician."

SECTION 2. Reenacts Section 1305.003(a), Occupations Code, as amended by Chapters 418 (S.B. 1222) and 649 (H.B. 1029), Acts of the 80th Legislature, Regular Session, 2007, and amends it to provide that this chapter does not apply to the maintenance, alteration, or repair of a pool-related electrical device by a pool-related electrical device dealer or manufacturer or a person authorized by a dealer or manufacturer using only components of the same type and ampacity as the original components, among other exceptions. Makes nonsubstantive changes.

SECTION 3. Amends Section 1305.102(a), Occupations Code, to require the executive director of the Texas Department of Licensing and Regulations (executive director) to adopt rules for the licensing of electricians, sign electricians, electrical sign contractors, electrical contractors, residential appliance installers, residential appliance installation contractors, pool-related electrical maintenance contractors, and pool-related electrical maintenance technicians as prescribed by this chapter. Makes a nonsubstantive change.

SECTION 4. Amends Section 1305.151, Occupations Code, as follows:

Sec. 1305.151. LICENSE REQUIRED. Prohibits a person or business, except as provided by Section 1305.003 (Exemptions; Application of Chapter), from performing or offering to perform electrical work, residential appliance installation, or pool-related electrical maintenance unless the person or business holds an appropriate license issued or recognized under this chapter. Makes a nonsubstantive change.

SECTION 5. Amends Subchapter D, Chapter 1305, Occupations Code, by adding Sections 1305.1611 and 1305.1612, as follows:

Sec. 1305.1611. POOL-RELATED ELECTRICAL MAINTENANCE TECHNICIAN. Requires an applicant for a license as a pool-related electrical maintenance technician to pass a pool-related electrical maintenance technician examination administered under this chapter.

Sec. 1305.1612. POOL-RELATED ELECTRICAL MAINTENANCE CONTRACTOR. Sets forth requirements that an applicant for a license as a pool-related electrical maintenance contractor is required to meet.

SECTION 6. Amends Section 1305.166(a), Occupations Code, to require an electrical contractor, electrical sign contractor, residential appliance installation contractor, and pool-related electrical maintenance contractor to display the contractor's business name and the number of the license issued by the executive director on each vehicle owned by the contractor. Makes a nonsubstantive change.

SECTION 7. Amends Section 1305.201(a), Occupations Code, to provide that this chapter does not prohibit a municipality or region from regulating electricians, residential appliance installers, or pool-related electrical maintenance technicians by collecting permit fees for municipal or regional licenses and examinations from electricians, appliance installers, and pool-related electrical maintenance technicians for work performed in the municipality or region, among other regulations. Makes nonsubstantive changes.

SECTION 8. (a) Requires the Texas Department of Licensing and Regulations (TDLR) to issue a pool-related electrical maintenance technician license without examination to a qualified applicant under this section who applies for a license under this section not later than June 1, 2010; submits to TDLR information required by any rules adopted under this section; meets the experience requirement in Subsection (b) of this section; and pays the application fee.

(b) Requires an applicant for license under this section to have completed at least 400 hours of electrical work or pool-related electrical maintenance under the supervision of a master electrician or an owner or supervisor of a pool-related electrical maintenance contractor.

SECTION 9. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2009.

(b) Effective date, Section 1305.151, Occupations Code: March 1, 2010.